

**WASHINGTON STATE DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE
4601 NORTH MONROE
SPOKANE, WASHINGTON 99205-1295**

IN THE MATTER OF THE COMPLIANCE BY)	AIR OPERATING PERMIT
WALTERS POWER INVESTORS, LLC.)	No. 04AQ-E104
MOSES LAKE GENERATING FACILITY)	
with Section 70.94.161 RCW, Operating Permits for)	FINAL PERMIT
Air Contaminant Sources, and the applicable rules and)	2nd Revision
regulations of the Department of Ecology)	

To: Walters Power Investors, LLC
6219 Riviera Drive
Oklahoma City, OK 73112

Issuance Date:	<u>June 6, 2006</u>
Effective Date:	<u>June 6, 2006</u>
Expiration Date:	<u>April 1, 2009</u>

Responsible Official: Mr. David Walters, President

Facility Location: Maiers Industrial Park near Moses Lake in Grant County, WA (SW quarter section of Section 17, Township 19 North, Range 29 East of the West Meridian)

Legal Authority: This Air Operating Permit is issued under the authority and provisions of the Federal Clean Air Act (FCAA), (42 U.S.C. 7401, et seq.), the Washington Clean Air Act, Chapter 70.94 Revised Code of Washington (RCW) and the Operating Permit Regulation, Chapter 173-401 Washington Administrative Code (WAC).

Hereinafter, Walters Power Investors, LLC, Moses Lake Generating Facility is called the permittee. The permittee is required to comply with the provisions contained within this permit.

The original Air Operating Permit, DATED at Spokane, Washington, the 29th day of March, 2004. This 2nd Revision, DATED at Spokane, Washington, this 6th day of June, 2006.

PREPARED BY:

REVIEWED BY:

David W. Wendland
Eastern Region Air Quality Section
Department of Ecology
State of Washington

George Thomas Clark, P.E.
Eastern Region Air Quality Section
Department of Ecology
State of Washington

APPROVED BY:

Gregory S. Flibbert, Section Manager
Eastern Region Air Quality Section
Department of Ecology
State of Washington

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LIST OF ABBREVIATIONS

acfm	Actual cubic feet per minute
AOP	Air Operating Permit
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
bhp	Brake horsepower
BTU	British Thermal Units
°C	Degrees Celsius
CAM	Compliance Assurance Monitoring
CFR	Code of Federal Regulations
CO	Carbon Monoxide
dscfm	Dry standard cubic feet per minute
Ecology	Washington State Department of Ecology
E.I.T.	Engineer in Training
EPA	United States Environmental Protection Agency
°F	Degrees Fahrenheit
FCAA	Federal Clean Air Act
ft ³	Cubic foot
gr/dscf	Grain per dry standard cubic foot
hr	Hour
MMBTU	Million British Thermal Units
MRRR	Monitoring, Recordkeeping, and Reporting Requirement
MVAC	Motor Vehicle Air Conditioner
N ₂	Nitrogen gas
NOC	Notice of Construction
NO _x	Oxides of nitrogen
NSPS	New Source Performance Standard
O ₂	Oxygen
O&M	Operation & Maintenance
P.E.	Professional Engineer
PM	Particulate Matter
PM-10	Particulate Matter with aerodynamic diameter ≤ 10 micrometers
ppm	Parts per million
ppmdv	Parts per million on a dry, volume basis
RACT	Reasonably Available Control Technology
RCW	Revised Code of Washington
RM	EPA Reference Method from 40 CFR Part 60, Appendix A
RMP	Risk Management Plan as required by 40 CFR 68
scfm	Standard cubic feet per minute
SCR	Selective Catalytic Reduction
SIP	State Implementation Plan
SO ₂	Sulfur dioxide
TAP	Toxic Air Pollutant
TPY	Tons per year
VOC	Volatile Organic Compound
WAC	Washington Administrative Code
yr	Year

All information required for submittal throughout this permit, is to be submitted to Ecology, EPA, or both as specified by the applicable requirement, at the following addresses:

Air Quality Program
Department of Ecology
4601 North Monroe
Spokane, Washington 99205-1295

U.S. EPA Region 10 Administrator
Air Permits MS: OAQ-108
1200 Sixth Avenue
Seattle, Washington 98101

[Order No. 03AQER-5296 1st Amendment, Issued 09/28/04, Approval Condition 6]

1. STANDARD CONDITIONS

1.1 Permit Shield

- 1.1.1** Compliance with the terms and conditions of this permit shall be deemed compliance with those applicable requirements that are specifically included and identified in this permit as of the date of permit issuance.
- 1.1.2** The permit shield shall not apply to any insignificant emissions unit or activity designated under WAC 173-401-530.
- 1.1.3** The monitoring, recordkeeping, and reporting requirements applicable to the permittee as included in this permit shall be relied upon for compliance assurance with all applicable laws and regulations.

[WAC 173-401-530(3), 09/16/02], [WAC 173-401-640(1), 09/16/02], [Order No. 03AQER-5296 1st Amendment, Issued 09/28/04, Approval Condition 2.1]

- 1.2 Enforceability** All terms and conditions of the permit are enforceable by the EPA and citizens unless specifically designated as state-only enforceable.

[WAC 173-401-625, 09/16/02]

- 1.3 Permit Fees** The permittee shall pay fees as a condition of this permit in accordance with Ecology's fee schedule. Failure to pay fees in a timely fashion shall subject the permittee to civil and criminal penalties as prescribed in chapter 70.94 RCW. Ecology may revoke this operating permit if the permit fees are not paid, per WAC 173-401-930(3).

[WAC 173-401-620(2)(f), 930(3), 09/16/02], [RCW 70.94.162(1), 1/4/01 (S)]

- 1.4 Permit Continuation** This permit and all terms and conditions contained therein, including any permit shield provided under WAC 173-401-640, shall not expire until the renewal permit has been issued or denied if a timely and complete application has been submitted. An application shield granted pursuant to WAC 173-401-705(2) shall remain in effect until the renewal permit has been issued or denied if a timely and complete application has been submitted.

[WAC 173-401-620(2)(j), 09/16/02]

- 1.5 Property Rights** This permit does not convey any property rights of any sort, or any exclusive privilege.

[WAC 173-401-620(2)(d), 09/16/02]

- 1.6 Inspection and Entry** Upon presentation of credentials and other documents as may be required by law, the permittee shall allow Ecology, EPA, or an authorized representative to perform the following:

- 1.6.1** Enter upon the permittee's premises where a chapter 401 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit.

- 1.6.2** Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
- 1.6.3** Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.
- 1.6.4** As authorized by WAC 173-400-105 and the FCAA, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements.
- 1.6.4.1** Ecology may require the permittee to conduct stack testing and/or ambient air monitoring and report the results to Ecology.
- 1.6.4.2** Ecology may conduct or require that a test be conducted using approved methods from 40 CFR parts 51, 60, 61 and 63 (in effect on February 20, 2001), or Ecology's Source Test Manual – Procedures for Compliance Testing. The permittee shall be required to provide platform and sampling ports. Ecology shall be allowed to obtain a sample from any emissions unit. The permittee shall be given the opportunity to observe the sampling and to obtain a sample at the same time.
- 1.6.5** No person shall obstruct, hamper, or interfere with any such authorized representative while in the process of carrying out his official duties.
- 1.6.6** Nothing in this condition shall limit the ability of EPA to inspect or enter the premises of the permittee under Section 114 or other provisions of the FCAA.

[WAC 173-401-630(2), 09/16/02], [WAC 173-400-105(2),(4), 8/20/93, 07/11/02 (S)], [RCW 70.94.200, 1/4/01 (S)], [Order No. 03AQER-5296 1st Amendment, Issued 09/28/04, Approval Condition 9.2], [40 CFR 72.4, 07/01/03]

- 1.7 Duty to Comply** The permittee must comply with all conditions of this chapter 173-401 operating permit. Any permit noncompliance constitutes a violation of chapter 70.94 RCW and, for federally enforceable provisions, a violation of the FCAA. Such violations are grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.

[WAC 173-401-620(2)(a), 09/16/02], [Order No. 03AQER-5296 1st Amendment, Issued 09/28/04, Approval Conditions 9.6, 9.7], [40 CFR 72.7(f)(1)(i), 07/01/04]

- 1.8 Duty to Provide Information** The permittee shall furnish to Ecology, within a reasonable time, any information that Ecology may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to Ecology copies of records required to be kept by this permit or, for information claimed to be confidential, the permittee may furnish such records directly to Ecology along with a claim of confidentiality. Ecology shall maintain confidentiality of such information in accordance with RCW 70.94.205.

No person shall make any false material statement, representation or certification in any form, notice or required report. No person shall render inaccurate any required monitoring device or method.

[WAC 173-401-620(2)(e), 09/16/02], [WAC 173-400-105(7), (8), 8/20/93, 07/11/02 (S)]

- 1.9 Duty to Supplement or Correct Application** The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete renewal application was submitted but prior to release of a draft permit.

[WAC 173-401-500(6), 09/16/02]

- 1.10 Need to Halt or Reduce Activity not a Defense** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[WAC 173-401-620(2)(b), 09/16/02]

- 1.11 Excess Emissions Due to an Emergency** The permittee may seek to establish that noncompliance with a technology-based¹ emission limitation under this permit was due to an emergency.² To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

- 1.11.1** An emergency occurred and that the permittee can identify the cause(s) of the emergency,
- 1.11.2** The permitted facility was being properly operated at the time of the emergency,
- 1.11.3** During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in this permit, and
- 1.11.4** The permittee submitted notice of the emergency to Ecology within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. E-mail or fax are the preferred notification methods. The notice should be directed to appropriate air quality personnel at Ecology's Eastern Regional Office using the most recent contact information.

[WAC 173-401-645, 09/16/02]

- 1.12 Unavoidable Excess Emissions** Excess emissions determined to be unavoidable under the procedures and criteria in WAC 173-400-107 shall be excused and not subject to penalty.

- 1.12.1** The permittee shall have the burden of proving to Ecology that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under 1.12.2, 1.12.3, or 1.12.4.
- 1.12.2** Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under Condition 1.13.1 and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.
- 1.12.3** Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under Condition 1.13.1 and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

¹ Technology-based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain a health based air quality standard.

² An "emergency" means any situation arising from sudden and reasonably enforceable events beyond the control of this source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes this source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

1.12.4 Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under Condition 1.13.1 and adequately demonstrates that:

- 1.12.4.1** The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition.
- 1.12.4.2** The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance.
- 1.12.4.3** The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

[WAC 173-400-107(3), 8/20/93, 07/11/02 (S)], [WAC 173-400-107, 8/20/93, 07/11/02 (S)]

1.13 Reporting

1.13.1 Monthly Deviation Reports The permittee shall report deviations from permit requirements, including those attributable to upset conditions as defined in this permit, and include the following information: the time the deviation occurred, the duration of the deviation, the magnitude of the deviation in relation to the applicable limit, the probable cause of the deviation, and any corrective actions or preventive measures taken. Such deviations shall be reported “promptly” to Ecology at the address included in this permit.

For deviations which represent a potential threat to human health or safety, “prompt” means as soon as possible, but in no case later than twelve (12) hours after the deviation is discovered. For deviations which the source believes to be unavoidable, “prompt” means as soon as possible. For deviations which represent a potential threat to human health or safety or which the source believes to be unavoidable, the initial report shall contain all available information regarding the deviation and may be submitted via e-mail or fax to the appropriate Ecology personnel. No later than thirty days after the end of each month, the permittee shall submit a report describing other deviations that were discovered that month or stating that no other deviations were discovered. Upon request by Ecology, the permittee shall submit a full written report including further details regarding the known causes, the corrective actions taken, and the preventative measures to be taken to minimize or eliminate the chance of recurrence. The permittee shall maintain a contemporaneous record of all deviations. Responsible official certification in accordance with Condition 1.13.5 of monthly deviation reports shall be included in each semi-annual monitoring report covering all deviation reports made during the previous six month period.

[WAC 173-401-615(3)(b), 09/16/02], [WAC 173-400-107, 8/20/93, 07/11/02 (S)], [WAC 173-401-630(1), 09/16/02]

1.13.2 Semi-Annual Monitoring Reports The permittee shall submit semi-annual reports which include monitoring, recordkeeping, and/or reporting information that is required to be submitted every six (6) months. Six-month periods shall be twice each calendar year from January 1st through June 30th, and from July 1st through December 31st. The first report submitted under this AOP shall cover the period of time between the permit effective date and the end of that six-month period. Semi-annual monitoring reports shall be due no later than forty-five (45) days following the end of each six (6) month period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Condition 1.13.5.

[WAC 173-401-615(3)(a), 09/16/02]

1.13.3 Compliance Certifications The permittee shall submit a certification of compliance with permit terms and conditions at least once per calendar year. All certifications shall be submitted no later than forty-five (45) days following the end of the certification period. The first certification submitted under this AOP shall cover the period of time between the permit effective date and the end of that calendar year. Ecology may require that compliance certifications be submitted more frequently for those emission units not in compliance with permit terms and conditions, or where more frequent certification is specified in the applicable requirement.

[WAC 173-401-630(5)(a), 09/16/02], [WAC 173-401-630(1), 09/16/02]

1.13.3.1 The certification shall describe and include the following:

1.13.3.1.1 Identification of each permit term or condition that is the basis of the certification.

1.13.3.1.2 The current compliance status.

1.13.3.1.3 Whether compliance was continuous or intermittent.

1.13.3.1.4 The methods used for determining compliance, currently and over the reporting period consistent with WAC 173-401-615(3)(a).

1.13.3.1.5 Such other facts as the authority may require to determine the compliance status of the source.

[WAC 173-401-630(5)(c), 09/16/02]

1.13.3.2 All compliance certifications shall be submitted to Ecology and EPA Region 10 at the respective addresses included in this permit.

[WAC 173-401-630(5)(d), 09/16/02]

1.13.3.3 The permittee need not certify compliance for insignificant emission units or activities.

[WAC 173-401-530(2)(d), 09/16/02]

1.13.3.4 All compliance certifications shall include certification by a responsible official in accordance with Condition 1.13.5.

1.13.3.5 For the purpose of submitting compliance certifications, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed.

[40 CFR 52.33(a), 07/01/03]

1.13.4 Emission Inventory The permittee shall submit an inventory of actual emissions from the source for each calendar year. The inventory shall include segmented stack and fugitive emissions of TSP, PM-10, SO₂, CO, NO_x, lead, and VOC's, and shall be submitted no later than **April 15th** of the following year. The source shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards. Emissions inventories shall be sent to Ecology at the address included in this permit.

[WAC 173-400-105(1), 8/20/93, 07/11/02 (S)]

1.13.5 Submittals Reports, test data, monitoring data, notifications, certifications, and applications (including requests for renewal) shall be submitted to Ecology at the address included in this permit. Any document submitted to Ecology pursuant to this permit shall contain certification of

truth, accuracy, and completeness by a responsible official. All certifications shall state that *“based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete”*. The permittee shall promptly, upon discovery, report to Ecology any material error or omission in these records, reports, plans or other documents.

[WAC 173-401-520, 09/16/02], [WAC 173-401-500(6), 09/16/02]

- 1.14 Severability** If any provision of this permit, or application of any provision of this permit, is held to be invalid, all unaffected provisions of the permit shall remain in effect and be enforceable.

[WAC 173-401-620(2)(h), 09/16/02], [RCW 70.94.905, 1/4/01 (S)]

1.15 Administrative Permit Amendments

- 1.15.1** An administrative permit amendment is a permit revision that:

- 1.15.1.1** Allows for a change in ownership or operational control of this source where the permitting authority has determined that no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to Ecology,
- 1.15.1.2** Corrects typographical errors within the permit,
- 1.15.1.3** Identifies a change in the name, address, or phone number of any person identified in the permit, or provides for a similar minor administrative change at the source,
- 1.15.1.4** Requires more frequent monitoring or reporting by the permittee, or
- 1.15.1.5** Incorporates into the permit the terms, conditions, and provisions from orders approving notice of construction applications processed under an EPA-approved program, provide that such a program meets procedural requirements substantially equivalent to the requirements of WAC 173-401-700, 173-401-725, and 173-401-800 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in WAC 173-401-600 through 173-401-650.

- 1.15.2** The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

- 1.15.3** The permitting authority shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in WAC 173-401-640 for administrative permit amendments made pursuant to condition 1.15.1.5 above.

[WAC 173-401-720, 09/16/02]

- 1.16 Permit Actions** This operating permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re-issuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

[WAC 173-401-620(2)(c), 09/16/02]

1.17 Reopening for Cause

- 1.17.1** Ecology will reopen and revise this permit as necessary to remedy deficiencies in the following circumstances:

- 1.17.1.1** Additional requirements under the FCAA become applicable to a major source three (3) or more years prior to the expiration date of this permit. Such a reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit, unless the original permit or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j).
- 1.17.1.2** Ecology or the Administrator determines that this permit contains a material mistake or inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit.
- 1.17.1.3** Ecology or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

1.17.2 Proceedings to reopen and issue this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

1.17.3 Reopenings shall not be initiated before a notice of intent to reopen is provided to the permittee by Ecology at least 30 days in advance of the date that this permit is to be reopened, except that Ecology may provide a shorter time period in the case of an emergency.

1.17.4 All permit conditions remain in effect until such time as Ecology takes final action.

[WAC 173-401-730, 09/16/02]

1.18 Off-Permit Changes The permittee is allowed to make certain changes that are not specifically addressed or prohibited by this permit without a permit revision. All such changes must meet the following conditions:

1.18.1 The proposed changes shall not weaken the enforceability of any existing permit conditions.

1.18.2 Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

1.18.3 Before or contemporaneously with making the permit change, the permittee must provide written notice to Ecology and EPA Region 10 at the respective addresses included in this permit. Such written notice shall describe each such change, including the date, any change in emissions or pollutants emitted, and any applicable requirements that would apply as a result of the change.

1.18.4 The change shall not qualify for the permit shield under Condition 1.1.

1.18.5 The permittee shall record all changes that result in emissions of any regulated air pollutant subject to any applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes. The record shall reside at the permitted facility.

1.18.6 A source making a change under this section shall comply with the preconstruction review requirements established pursuant to Condition 1.20.

[WAC 173-401-724, 09/16/02]

1.19 Changes not Requiring Permit Revisions

1.19.1 *Section 502(b)(10) changes.* The permittee is authorized to make section 502(b)(10) changes, as defined in WAC 173-401-200(30), without a permit revision, providing the conditions included below are met. The permit shield as described in Condition 1.1 shall not apply to any change made pursuant to this paragraph.

1.19.1.1 The proposed changes are not Title I (FCAA) modifications;

- 1.19.1.2** The proposed changes do not result in emissions which exceed those allowable under the permit, whether expressed as a rate of emissions, or in total emissions;
- 1.19.1.3** The proposed changes do not alter permit terms that are necessary to enforce limitation on emissions from units covered by the permit;
- 1.19.1.4** The facility provides Ecology and EPA with written notification at least seven days prior to making the proposed changes except that written notification of a change made in response to an emergency shall be provided as soon as possible after the event;
 - 1.19.1.4.1** The written notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
- 1.19.2** *Changes related to Emissions trading under an emissions cap.* Pursuant to Condition 1.19.1, the permittee is authorized to trade increases and decreases in emission in the permitted facility, where the Washington state implementation plan provides for such emissions trades without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading. Such changes shall be subject to the following:
 - 1.19.2.1** The written notification required under Condition 1.19.1.4 shall include such information as may be required by the provision in the Washington SIP authorizing the emissions trade, including at a minimum, when the proposed change will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the Washington SIP, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the source will comply in the applicable implementation plan and that provide for the emissions trade. The notification shall state how any increases or decreases in emissions will comply with the terms and conditions of the permit. (The permit shield described under Condition 1.1 shall extend to terms and conditions that allow such increases and decreases.)
 - 1.19.2.2** The permit shield described in Condition 1.1 shall not extend to any change made under this paragraph. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the applicable implementation plan authorizing the emissions trade.
 - 1.19.2.3** Upon the request of the permit applicant, Ecology shall issue permits that contain terms and conditions, including all terms required under WAC 173-401-600 through 173-401-630 to determine compliance, allowing for the trading of emissions increases and decreases in the chapter 173-401 WAC source solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The emissions trading provision shall not be applied to any emissions units for which emission are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements.
 - 1.19.2.4** A source making a change under this section shall comply with applicable preconstruction review requirements established pursuant to Condition 1.20.

- 1.19.2.5** No permit revision shall be required, under any approved economic incentives, marketable permits, and other similar programs or processes for changes that are provided for in this permit such as emissions trading.

[WAC 173-401-722, 09/16/02], [WAC 173-401-620(2)(g), 09/16/02]

- 1.20 New Source Review** The permittee shall not construct new sources or make modifications required to be reviewed under WAC 173-400-110, WAC 173-400-113, WAC 173-400-141, or WAC 173-460 before the permittee obtains written final approval from Ecology in accordance with those regulations, pays the appropriate fees required by WAC 173-400-116, and pays the cost of public notice described in WAC 173-400-171.

[WAC 173-400-110, 8/20/93, 07/11/02 (S)], [WAC 173-400-113, 8/20/93, 07/11/02 (S)], [WAC 173-400-116, 07/11/02 (S)], [WAC 173-400-141, 07/11/02 (S)], [WAC 173-400-171, 8/20/93, 07/11/02 (S)], [WAC 173-460, 7/21/98 (S)], [RCW 70.94.152, 1/4/01 (S)], [Order No. 03AQER-5296 1st Amendment, Issued 09/28/04, Approval Condition 9.5]

- 1.21 Replacement or Substantial Alteration of Emission Control Technology.** Prior to replacing or substantially altering emission control technology subject to review under WAC 173-400-114, the permittee shall file for and obtain approval from Ecology according to that regulation. The permittee shall pay the appropriate fees required by WAC 173-400-045(4) prior to commencing construction.

[WAC 173-400-045(4), 07/11/02 (S)], [WAC 173-400-114, 07/11/02 (S)], [RCW 70.94.153, 1/4/01 (S)]

1.22 Operational Flexibility

- 1.22.1** In the event that an emission unit is not operated during a period equal to or greater than the monitoring period designated, no monitoring is required. Recordkeeping and reporting must note the reason why and length of time that the emission unit was not operated.

- 1.22.2** The permittee did not propose any further alternative operating scenarios.

[WAC 173-401-650, 09/16/02]

- 1.23 Permit Appeals** This permit or any conditions in it may be appealed only by filing an appeal with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903 and concurrently serving it on the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600 and the Department of Ecology, Regional Air Quality Section, 4601 North Monroe, Spokane, WA 99205-1295 within thirty days of receipt of this permit, pursuant to RCW 43.21B.310. This provision for appeal in this section is separate from and additional to any federal rights to petition and review under § 505(b) of the FCAA.

[WAC 173-401-620(2)(i), 09/16/02]

1.24 Federal Chlorofluorocarbons (CFC) Requirements – Title VI of the FCAA

- 1.24.1** The permittee shall comply with the following standards for recycling and emissions reductions pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in subpart B.

1.24.1.1 Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices pursuant to 40 CFR 82.156.

1.24.1.2 Equipment used during the maintenance, service, repair or disposal must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.

1.24.1.3 Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

- 1.24.1.4** Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR 82.166. ("MVAC-like appliance" is defined at 40 CFR 82.152.)
- 1.24.1.5** Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR 82.156.
- 1.24.1.6** Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added. The owner/operator must keep records of refrigerant purchased and added to such appliances in cases where owners add their own refrigerant. Such records should indicate the date(s) when refrigerant is added pursuant to 40 CFR 82.166.
- 1.24.1.7** Persons conducting maintenance, service, repair, or disposal of appliances must follow the prohibitions pursuant to 40 CFR 82.154.
- 1.24.1.8** Person performing maintenance, service, repair, or disposal of appliances must certify to the Administrator that such person has acquired certified recovery of recycling equipment pursuant to 40 CFR 82.162.

1.24.2 If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR 82, Subpart A – Production and Consumption Controls.

1.24.3 If the permittee performs a service on motor (fleet) vehicles and when this service involves ozone depleting substance refrigerant in the MVAC, the permittee is subject to all applicable requirements as specified in 40 CFR 82, Subpart B – Servicing of Motor Vehicle Air Conditioners.

1.24.4 The permittee shall be allowed to switch from any ozone depleting substance to any alternative that is listed in the Significant New Alternative Program promulgated pursuant to 40 CFR 82, Subpart G – Significant New Alternative Policy Program.

[40 CFR 82, 07/01/03], [RCW 70.94.970, 1/4/01 (S)], [RCW 70.94.980, 1/4/01 (S)]

1.25 Reasonably Available Control Technology (RACT) Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance or renewal shall be considered RACT for the purpose of permit issuance or renewal. RACT determinations under section 8, chapter 252, Laws of 1993 shall be incorporated into an operating permit as provided in WAC 173-401-730.

[WAC 173-401-605(3), 09/16/02], [RCW 70.94.154, 1/4/01 (S)]

1.26 Compliance Schedules

1.26.1 The permittee shall continue to comply with applicable requirements with which it is currently in compliance. The permittee shall meet applicable requirements on a timely basis that become effective during the permit term.

[WAC 173-401-510(2)(h)(iii)(A), 09/16/02], [WAC 173-401-510(2)(h)(iii)(B), 09/16/02]

1.27 Record Keeping

1.27.1 The permittee shall keep records of required monitoring information that includes, where applicable, the following:

1.27.1.1 The date, place, and time of the sampling or measurements.

1.27.1.2 The date(s) analyses were performed.

1.27.1.3 The company or entity that performed the analysis.

1.27.1.4 The analytical techniques or methods used.

1.27.1.5 The results of such analyses.

1.27.1.6 The operating conditions as existing at the time of sampling or measurement.

[WAC 173-401-615(2)(a), 09/16/02]

1.27.2 The permittee shall keep records describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

[WAC 173-401-615(2)(b), 09/16/02]

1.27.3 The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings from continuous monitoring instrumentation, and copies of all reports required by this permit.

[WAC 173-401-615(2)(c), 09/16/02]

1.27.4 All required recordkeeping shall be available to Ecology in accordance with Condition 1.6.

[WAC 173-401-630(2)(b), 09/16/02]

1.28 General Obligation Nothing in this permit shall alter or affect the following:

1.28.1 The provisions of section 303 of the FCAA (emergency orders), including the authority of EPA under that section.

1.28.2 The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

1.28.3 The applicable requirements of the acid rain program, consistent with section 408(a) of the FCAA.

1.28.4 The ability of EPA to obtain information from a source pursuant to section 114 of the FCAA.

1.28.5 The ability of Ecology to establish or revise requirements for the use of reasonably available control technology (RACT) as provided in chapter 252, Laws of 1993.

[WAC 173-401-640(4), 09/16/02]

1.29 Permit Renewal and Expiration This permit is issued for a fixed term of 5 years. The permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted. A renewal application should be submitted by October 1, 2007. *A complete renewal application is due April 1, 2008.* Upon receipt of a timely and complete application for renewal, this source may continue to operate subject to final action by Ecology on the renewal application. This allowance shall cease to apply if, subsequent to a completeness determination, the applicant fails to submit by the deadline specified in writing by Ecology, any additional information identified as being needed to process the application. The application shall be sent to Ecology at the address included in this permit.

[WAC 173-401-610; 173-401-710, 09/16/02]

1.30 Demolition and Renovation (asbestos) Prior to, during and after conducting any activity to which 40 CFR 61, Subpart M – National Emission Standard for Asbestos, applies, the permittee shall comply with the requirements of that rule. Such activities include notification, demolition, renovation, asbestos

stripping or removal, installing or reinstalling insulation, manufacturing or fabricating certain items, spraying of certain materials, constructing roadways of certain materials, or disposal.

[40 CFR 61, Subpart M, 07/01/03], [WAC 173-400-075(1), 07/11/02 (S)]

1.31 Federal Acid Rain Program The following conditions apply to the permittee as a facility claiming a new units exemption.

1.31.1 The owners and operators and, to the extent applicable, the designated representative of a unit exempt under this section shall:

1.31.1.1 Comply with the requirements to qualify for the new units exemption of 40 CFR 72.7(a) for all periods for which the unit is exempt under this section,

1.31.1.2 Comply with the requirements of the Acid Rain Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

1.31.2 Loss of exemption. On the earliest of the following dates, an exempt unit shall lose its exemption and become an affected unit under the Acid Rain Program:

1.31.2.1 The date on which the unit first serves one or more generators with total nameplate capacity in excess of 25 MWe;

1.31.2.2 January 1 of the year following the year in which the annual average sulfur content for gaseous fuel burned at the unit exceeds 0.05 percent by weight (as determined via fuel sulfur content monitoring required under **8M**).

[40 CFR 72.7(f)(1)(i), (ii), (4)(i)(A)(C), 07/01/04], [WAC 173-406-104, 11/23/94]

2. APPLICABLE REQUIREMENTS

Until this permit expires, is modified or revoked, this permittee is authorized to operate the processes outlined in Section 2. These processes are subject to the conditions included in Section 2, to the MRRR's listed in Section 3. Monitoring, Recordkeeping, and Reporting Requirements, and to other terms and conditions specified in this permit.

The column entitled **Description** in each table contains only a summary/paraphrase of the condition, emission standard or work practice. The condition, emission standard, or work practice itself is the enforceable requirement and should be referenced for actual language.

Testing Requirements

Although there are many conditions with no on-going testing requirements, Ecology retains the authority to conduct or require that testing be conducted at the facility with respect to these conditions per WAC 173-400-105(4). Identification of the appropriate test method is necessary to make emission limits fully enforceable. Where the underlying applicable requirement does not specify the test method, Ecology has done so in this permit.

[WAC 173-401-615(1)(a), 09/16/02], [WAC 173-401-630(1), 09/16/02], [WAC 173-400-105(4), 07/11/02]

This section is applicable and enforceable with respect to all emission units source wide. Monitoring, recordkeeping and reporting requirements in this section do not apply to insignificant emission units.

TABLE 2.1

Condition Number	Condition, Emission Standard, or Work Practice	Enforceability (Federal & State = F) (State Only = S)	Description	Testing	MRRR Reference
2.1	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Condition 4.3	F	Visible emissions shall not exceed 5% opacity (10-minute startup exemption)	RM 9	3M, 5M
2.2	WAC 173-400-040(1), (1)(a), and (1)(b), 08/20/93	F	Visible emissions shall not exceed 20% opacity for more than 3 minutes in any one hour	RM 9A	3M
	WAC 173-400-040(1), (1)(a), and (1)(b), 07/11/02	S			
2.3	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Conditions 3.1, 3.3, 4.0, 4.4	F	PM emissions shall not exceed 108.5 tons/year nor the following hourly limits for each unit (lbs/hr, filterable + condensable portions, 5% O ₂ , 10-minute startup exemption): S16R-PTA.....1.36 S16R-PTAA2.....1.80 S16R-PTA2.....1.50 S12R-PTA2.....1.12 S12R-PTAA2.....1.32	RM 5 RM 202	4M, 5M

Condition Number	Condition, Emission Standard, or Work Practice	Enforceability (Federal & State = F) (State Only = S)	Description	Testing	MRRR Reference
2.4	WAC 173-400-050(1), (3), 08/20/93 WAC 173-400-050(1), (3), 07/11/02	F S	The units are required to meet all applicable provisions of WAC 173-400-040 and emissions of particulate material from any operation shall not exceed 0.10 grain/dscf of exhaust gas @ 7% O ₂	RM 5	4M, 5M
2.5	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Conditions 3.3, 4.0, 4.1	F	NO _x emissions shall not exceed 236.06 tons/year nor the following hourly limits for each unit (lbs/hr, 5% O ₂ , 10-minute startup exemption): S16R-PTA.....3.19 S16R-PTAA2.....3.33 S16R-PTA2.....3.52 S12R-PTA2.....2.33 S12R-PTAA2.....2.43	RM 7E	4M, 5M
2.6	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Condition 2.4	F	SCR shall be operated whenever the unit is in operation and shall be maintained to achieve NO _x reduction necessary to meet applicable emission limits		3M, 6M
2.7	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Conditions 3.3, 4.0, 4.2	F	CO emissions shall not exceed 177.5 tons/year nor the following hourly limits for each unit (lbs/hr, 5% O ₂ , 10-minute startup exemption): S16R-PTA.....2.35 S16R-PTAA2.....2.80 S16R-PTA2.....2.58 S12R-PTA2.....1.93 S12R-PTAA2.....2.05	RM 10	4M, 5M

Condition Number	Condition, Emission Standard, or Work Practice	Enforceability (Federal & State = F) (State Only = S)	Description	Testing	MRRR Reference
2.8	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Conditions 3.3, 4.0, 4.5	F	VOC emissions shall not exceed 25.1 tons/year nor the following hourly limits for each unit (lbs/hr, 5% O ₂ , 10-minute startup exemption): S16R-PTA.....0.31 S16R-PTAA2.....0.42 S16R-PTA2.....0.35 S12R-PTA2.....0.26 S12R-PTAA2.....0.30	RM 25A	4M, 5M
2.9	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Conditions 3.2, 3.3, 4.0, 4.7	F	SO ₂ emissions shall not exceed 48.6 tons/year nor the following hourly limits for each unit (lbs/hr, 5% O ₂ , 10-minute startup exemption): S16R-PTA.....0.61 S16R-PTAA2.....0.81 S16R-PTA2.....0.67 S12R-PTA2.....0.50 S12R-PTAA2.....0.59	RM 8	4M, 5M
2.10	WAC 173-400-040 (6, 1 st ¶), 8/20/93 WAC 173-400-040(6), 8/15/01	F S	SO ₂ ≤ 1000 ppm @ 7% O ₂ (Sixty minute average)	RM 6	4M, 5M
2.11	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Conditions 2.5, 3.3, 4.6	F	Ammonia emissions shall not exceed 5 ppm _{dv} @ 5% O ₂ (10-minute startup exemption)	ST-1B (BAAQMD)	4M, 5M
2.12	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Condition 2.2, 7, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 8.1, 8.2	F	Hours of operation of each unit shall be limited to: <ul style="list-style-type: none"> • 4,992 hrs/year • 16 hrs/day • 6 days/week 		6M

Condition Number	Condition, Emission Standard, or Work Practice	Enforceability (Federal & State = F) (State Only = S)	Description	Testing	MRRR Reference
2.13	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Condition 2.3	F	All No. 2 distillate fuel oil used to power the generators shall contain ≤ 0.003 weight % sulfur		4M, 6M
	40 CFR 72.7(a)(3), §(d)(3), §(f)(3)(i), 07/01/04	F			
	WAC 173-406-104, 11/23/94	S			
2.14	WAC 173-400-040(3)(a), (8)(a), 08/20/93	F	The source shall perform maintenance to minimize emissions and take reasonable precautions to prevent fugitive dust from becoming airborne		1M, 2M
	WAC 173-400-040(3)(a), (8)(a), 07/11/02	S			
2.15	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Conditions 5, 5.1, 5.2, 5.3	F	Operation of all equipment shall be conducted in accordance with the O&M manual – the manual shall be kept updated		1M, 7M
2.16	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Sections 3 and 4 BACT and T-BACT	F	<ul style="list-style-type: none"> Each engine shall be equipped and operated with SCR and ammonia injection, Heaters shall be used to raise the engine temp. to $\approx 110^{\circ}\text{F}$ prior to startup Ultra-low sulfur ($\leq 0.003\%$) No. 2 fuel oil only shall be burned in the engines Good combustion practices shall be followed Manufacturer's operating and maintenance procedures shall be followed 		1M
2.17	WAC 173-400-040, 1 st ¶, 08/20/93	F	All emissions units are required to use RACT		1M
	WAC 173-400-040, 1 st ¶, 07/11/02 (RCW 70.94.154(1))	S			

Condition Number	Condition, Emission Standard, or Work Practice	Enforceability (Federal & State = F) (State Only = S)	Description	Testing	MRRR Reference
2.18	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Condition 2.6	F	No generating units other than those listed in 6M shall be operated – Ecology shall be notified prior to replacement of failed units with same or equivalent manufacturer model – Installation of units with different emission rates requires NOC		6M
2.19	WAC 173-400-040(2), 07/11/02	S	Particulate matter shall not be deposited beyond the property in sufficient quantity to interfere unreasonably with the use and enjoyment of other's property		2M
2.20	WAC 173-400-040(3(a), (8)(a), 07/11/02	S	Fugitive dust control measures shall be taken to prevent fugitive emissions		3M
2.21	WAC 173-400-040(4), 07/11/02	S	The permittee shall prevent odor production which unreasonably interferes with any other property owner's use and enjoyment of his property		2M
2.22	WAC 173-400-040(5), 08/20/93	F	No person shall cause or permit the emission of any air contaminant if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business		2M
	WAC 173-400-040(5), 07/11/02	S			
2.23	WAC 173-400-040(7), 08/20/93	F	No person shall conceal or mask an emission of an air contaminant		1M
	WAC 173-400-040(7), 07/11/02	F			

Condition Number	Condition, Emission Standard, or Work Practice	Enforceability (Federal & State = F) (State Only = S)	Description	Testing	MRRR Reference
2.24	WAC 173-400-200(2), 08/20/93 WAC 173-400-200(2), 07/11/02	F S	No source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations		1M
2.25	WAC 173-400-205, 08/20/93 WAC 173-400-205, 07/11/02	F S	Varying the rate of emission of a pollutant according to atmospheric conditions is prohibited, except as directed according to air pollution episode regulations		1M
2.26	RCW 70.94.040, 1/4/01	S	Causing air pollution in violation of Chapter 70.94 RCW is unlawful		1M
2.27	Chapter 173-425 WAC – Restriction on Open Burning	F	Open burning is subject to restrictions		1M
2.28	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Condition 9.1	F	Order No. 03AQER-5296 shall become void if operation of the facility is discontinued for 18 months unless prior written notification is received – the facility shall be considered operational as long as the units are maintained		4M
2.29	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Condition 9.3	F	Legible copies of Order No. 03AQER-5296 and the O&M manual shall be available to employees in direct operation of the facility and available for review by Ecology upon request		1M
2.30	Order No. 03AQER-5296 1 st Amendment, Issued 09/28/04 Approval Condition 9.4	F	Operation of all equipment shall be conducted in a manner consistent with all information submitted as part of the NOC application, and with the O&M manual		1M

Condition Number	Condition, Emission Standard, or Work Practice	Enforceability (Federal & State = F) (State Only = S)	Description	Testing	MRRR Reference
2.31	40 CFR 68.36, 07/01/04	F	The offsite consequence analysis developed as part of the RMP shall be reviewed and updated		8M
2.32	40 CFR 68.39, 07/01/04	F	Specific records pertaining to the offsite consequence analysis shall be maintained		8M
2.33	40 CFR 68.95, 07/01/04	F	An emergency response program shall be implemented for protection of public health and the environment		8M
2.34	40 CFR 68.150(d), §160(b)(20), §190, §195(a), (b), 07/01/04	F	The RMP shall be reviewed, updated, corrected, and submitted		8M
2.35	40 CFR 68.200, 07/01/04	F	Records supporting implementation of Part 68 shall be maintained		8M
2.36	40 CFR 68.210, 07/01/04	F	The RMP shall be available to the public		8M
2.37	40 CFR 68.215(b), 07/01/04	F	Permittee shall submit any additional relevant information requested by Ecology or EPA		1M

3. Monitoring, Recordkeeping, and Reporting Requirements (MRRR)

[WAC 173-401-630(1)], [WAC 173-401-615(1)(a),(b)]

- 1M.** At least once every twelve (12) months, the permittee shall perform a review of actual operations, the Operation and Maintenance manuals, permit application materials (Notice of Construction) and other relevant documents and information for the purpose of evaluating compliance with each condition for which this MRRR is referenced. The focus of this review shall be to verify that plant operations are being conducted in accordance with the referenced permit conditions, the documents identified above and with good air pollution control practices in mind.

The permittee shall maintain records that include the date such reviews occur, the name of the person conducting the review, the information reviewed, summary information on any deviations identified, and date and time when corrective action was initiated and completed. Upon discovery that any equipment is being operated in a manner inconsistent with any of the above mentioned documents, the permittee shall initiate corrective action within two (2) business days. All such discoveries shall be reported to Ecology as required by Standard Condition 1.13.1 of this permit.

[WAC 173-401-615(1)(b), 09/16/02]

- 2M.** The permittee shall maintain records of all complaints received. Ecology shall be notified within three (3) working days of receipt of any complaints. This notification may be in the form of an e-mail or fax. The permittee shall address and respond to all complaints within three (3) working days of receipt of the complaint. The recordkeeping shall include the following with regard to the complaint and the associated deviation:

- 1) A record of all written complaints, complaints received by telephone or complaints received in person,
- 2) Time, date, and duration of associated deviation, if any,
- 3) Cause of any deviation,
- 4) Estimate of any excess emissions and magnitude of deviation in relation to the applicable standard,
- 5) Corrective action taken, and the results of such action.

[WAC 173-401-615(1)(b), 09/16/02]

- 3M.** With regard to visible emissions, the following monitoring, recordkeeping, and reporting shall apply:

- 1) Monitoring – The permittee shall have a continuing obligation to visually inspect in an informal manner the exhaust stacks of dual-fuel electric generation units that are operating. Additionally, either the monitoring described in a) or b) below in addition to that described in c) shall be performed at least once per calendar month:
 - a) The permittee shall observe the exhaust stack of each of the dual-fuel electric generators while the units are in operation during a period of one hour, except during start-up. The observer is not required to be certified to perform RM 9, but will be educated in the general procedures for determining the presence of visible emission (i.e. effects on the visibility of emission caused by background contrast, position of the sun and amount of ambient lighting, observer position relative to source and sun, and the presence of uncombined water). If any visible emissions, excluding condensed water vapor, are seen, corrective actions shall be initiated within four (4) hours of the observation. If visible emissions cannot be eliminated within twenty-four (24) hours, the permittee shall perform RM 9 as soon as possible but within three (3) days of the original observation. If a RM 9 test occurs, the procedures in b), i) or b), ii) shall be followed as appropriate.

- b) The permittee shall perform RM 9 on the exhaust stack of one of the dual-fuel electric generators while the unit is in operation, except during startup.
 - i) If the RM 9 test determines that the emissions do not violate the applicable standard, no further action is required.
 - ii) If a violation of any applicable opacity standard is documented, appropriate and timely action shall be initiated (as soon as possible, but no later than four (4) hours after discovery of the violation via RM 9 test) to identify and correct the problem causing the opacity. The corrective action taken shall return the equipment to normal operation as soon as possible and be designed to prevent the likely recurrence of the cause of the violation. Once corrective action has been taken to solve the problem, the permittee shall perform, or have performed, RM 9 on the source of emissions in order to demonstrate re-establishment of normal operation. Taking corrective action does not relieve the permittee from complying with the underlying condition, emission standard or work practice, nor does it relieve the permittee from the obligation to report any permit deviations as required in Standard Condition 1.13.1.
 - c) The permittee shall perform a complete walk-around survey for the purpose of determining the presence of visible emissions throughout the facility site. The surveys shall be conducted during daylight hours and while the facility is under normal operation. If any visible emissions are present, regardless of the source and including fugitive emissions, the permittee shall implement corrective actions to reduce the visible emissions.
- 2) The permittee shall conduct recordkeeping in accordance with the following.
- a) The permittee shall maintain logs of the visible emissions observations required under 1) a) as well as the original RM 9 testing form for all tests performed for a period of five (5) years. The permittee shall maintain certification documents for all personnel who maintain current certifications to perform RM 9. The logs of visible emissions observations shall include the date, time, the name of the person performing the observation, and the units which were observed.
 - b) Recordkeeping with regard to each deviation observed or documented via RM 9 shall include the following:
 - i) Time, date, and duration of the deviation,
 - ii) Cause of the deviation,
 - iii) Estimate of excess emissions and magnitude of deviation, and
 - iv) Corrective action taken, and the results of such action.
 - c) Information for each walk-around survey indicating the date the survey was performed, the name of the person performing the survey, the weather at the time of the survey, an indication of whether any visible emissions were observed, a description of the cause of the visible emissions, the corrective action taken, and the results of such action.
- 3) The permittee shall conduct reporting in accordance with the following.
- a) Copies of all visible emissions observations logs and RM 9 test forms which either document a deviation or re-establishment of normal operation following a deviation shall be submitted to Ecology as part of the monthly deviation reports as required by Standard Condition 1.13.1. In addition to the RM 9 form, reporting shall also include copies of the information required under recordkeeping under 2), b) above. The permittee is not required to submit RM 9 forms or visible emissions observation logs for tests conducted under 1), a) or b) above, which do not document a deviation or violation.

- b) Copies of the recordkeeping required under 2), c) above for situations where a monthly walk-around survey documents a deviation from any permit condition for which this MRRR is referenced.

[WAC 173-401-615(1)(b), 09/16/02]

- 4M.** Semi-Annually – As part of the semi-annual monitoring report, the permittee shall submit actual fuel usage totals for the monitoring period.

Annually – As part of the annual emissions inventory submittal required under Standard Condition 1.13.5, emissions shall be quantified by multiplying the appropriate recorded operating parameter (fuel usage, hours of operation, steam production, etc..) by an emission factor derived from the most recent source testing or sulfur fuel content testing results as required. If test-derived factors are unavailable for a specific pollutant (i.e. toxic/hazardous air pollutants), use manufacturer-derived factors or the most recent emission factor published by USEPA. In the event that the most recent published data provides a range of emission factors, the calculation shall be performed using the most conservative factor within the provided range. Use of less conservative emission factors may be used only upon written approval by Ecology. In the event that USEPA emission factors are either inappropriate or unavailable, the permittee shall propose an alternative emission factor (or emission estimation method) that may be used upon written approval by Ecology.

Calculations should be adjusted for percent oxygen as required by the applicable requirement and should indicate pollutant emission rate and concentration in the same units as the limit(s) specified in the applicable requirement(s). The emission inventory submittal shall include a statement clearly indicating the emission factor that is being used, justification for the use of the emission factor, clear identification of all operating parameters used in the calculational method, and an example of the calculational method used.

Specifically for SO₂, emissions shall be estimated based on the total sulfur content of the No. 2 distillate fuel oil and natural gas as received at the plant. All sulfur present in the fuel shall be assumed to form SO₂. The sulfur content of all natural gas at the plant shall be assumed to be 0.5 grains/100 standard cubic foot of natural gas (emission factor for SO₂ = 0.0006 lb/MMBTU per 40 CFR 75, Appendix D, Section 2.3.1). The sulfur content of any diesel fuel delivery with no designation of sulfur content shall be assumed to be 5,000 ppm (0.5 percent by weight) unless specific test results are available. The sulfur content of any diesel fuel delivery identified as low sulfur diesel shall be assumed to be 500 ppm (0.05 percent by weight) unless specific test results are available. The sulfur content of any diesel fuel delivery identified as ultra-low sulfur diesel shall be assumed to be 30 ppm (0.003 percent by weight), until refineries in Washington are required to offer ultra-low sulfur diesel with a sulfur content of 15 ppm or less, after which the sulfur content of any diesel fuel delivery identified as ultra-low sulfur diesel shall be assumed to be 15 ppm (0.002 percent by weight). Any specific fuel sulfur content testing shall be calculated as specified in 40 CFR 72.7(d)(3), using the following formula:

$$\%S_{annual} = \frac{\sum_{n=1}^{last} \%S_n V_n d_n}{\sum_{n=1}^{last} V_n d_n}$$

Where;

$\%S_{annual}$ = annual average sulfur content of the fuel burned during the year by the unit, % weight

$\%S_n$ = sulfur content of the nth sample of the fuel delivered during the year to the unit, % weight

V_n = volume of the fuel in a delivery during the year to the emission unit of which the nth sample is taken, scf

d_n = density of the nth sample of the fuel delivered during the year to the unit, lb/scf

n = each sample taken of the fuel delivered during the year to the unit, taken at least once for each delivery

[WAC 173-401-615(1)(b), 09/16/02], [Order No. 03AQER-5296 1st Amendment, Issued 09/28/04, Approval Conditions 3.2, 4.0, 4.7], [40 CFR 72.7(d)(3), 07/01/04], [WAC 173-406-104, 11/23/94], [Ecology Administrative Order No. 1580, Issued 07/29/04, Approval Condition 2.7]

5M. Periodic performance testing shall be conducted on the diesel generators as described below.

- 1) Source testing for the pollutants listed shall be conducted using the test methods specified. For any year that commercial operation occurs at the facility, compliance testing shall be conducted no later than June 1st of the following year, and shall be performed on two (2) randomly chosen generator units out of the field of previously untested units. No individual generator unit shall be tested twice until all units have been tested.
 - a) Oxides of Nitrogen (NO_x) – RM 7E
 - b) Carbon Monoxide (CO) – RM 10
 - c) Opacity – RM 9
 - d) Particulate Matter (PM) – RM 5 and 40 CFR 51, Appendix M, RM 202
 - e) Volatile Organic Compounds (VOC) – RM 25A
 - f) Ammonia (NH₃) – BAAQMD Source Test Procedure ST-1B
- 2) The following conditions shall apply to all testing:
 - a) The testing will consist of at least three (3) runs.
 - b) During each test run, the following data shall be recorded at least once every fifteen (15) minutes and submitted as part of the test report: ammonia flowrate/injection rate (may include “frequency setting” per O&M manual), ammonia pressure and catalyst outlet temperature. The natural gas to diesel oil fuel ratio at which testing is conducted shall also be recorded and submitted as part of the test report.
 - c) Source testing for NO_x shall be conducted simultaneously at the inlet and the outlet of the SCR units.
 - d) For the purposes of PM testing, all particulate matter collected as both filterable and condensable shall be considered to be PM-10.
 - e) Opacity observations using RM 9 shall be conducted for at least one six minute period during each run of the source testing. The results of each RM 9 test shall be submitted as part of the test report.
 - f) An independent testing firm shall conduct the testing and shall submit a test plan for Ecology approval at least thirty (30) days prior to the source testing.
 - g) The permittee shall notify Ecology of the date of the source testing at least thirty (30) days prior to the date of testing. The permittee shall notify Ecology as soon as possible if any planned source testing is cancelled or rescheduled.
 - h) The test report shall be sent to Ecology within sixty (60) days after the testing. The test report shall include emission results for each pollutant in units of all applicable standards as listed in this AOP.
 - i) Ecology may require testing for additional pollutants as is deemed necessary, including SO₂. The appropriate EPA reference method shall be used for testing of each pollutant.

- j) Alternate methods of testing and alternate testing requirements may be proposed by the permittee in writing to Ecology. Permission for use of alternate forms of testing and requirements must be approved in writing by Ecology.

[WAC 173-401-615(1)(b), 630(1), 09/16/02], [WAC 173-400-105(4), 07/11/02], [Order No. 03AQER-5296 1st Amendment, Issued 09/28/04, Approval Conditions 2.5, 3.1, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7]

6M. The following conditions shall apply to the monitoring, recordkeeping, and reporting required.

- 1) The permittee shall maintain equipment and/or operational procedures which are necessary to conduct monitoring of each item below:
 - a) Hours of operation of each generator and hours of operation of each SCR unit.
 - b) Fuel consumption.
 - c) Fuel sulfur content. The sulfur content shall be determined using ASTM D129 when the delivery receipt does not specify a fuel grade of low sulfur No. 1 or No. 2 distillate diesel.
 - d) Ammonia flowrate/injection rate (may include “frequency setting” per O&M manual), ammonia pressure and catalyst outlet temperature. The equipment shall continuously display the values for these parameters.
 - e) NO_x emission rate (using portable exhaust analyzer). Per the O&M manual, NO_x testing using the portable analyzer shall be performed at least once for every eight (8) hours that the facility has any number of units operating. The test shall be conducted on a randomly selected unit, and no unit shall be tested twice until all operational units have been tested. The NO_x analyzer shall be calibrated on an annual basis.
- 2) The following recordkeeping shall be retained at the facility for a period of five (5) years and kept in an organized, legible manner readily available for inspection by Ecology personnel.
 - a) Daily hours of operation of each SCR unit.
 - b) Daily hours of operation for each diesel electric generator.
 - c) Daily number of start-ups for each diesel electric generator.
 - d) Daily gross power generated by the electric generation station.
 - e) Daily records of run time for the facility overall (for use in documenting NO_x analyzer usage frequency).
 - f) Fuel consumption.
 - g) Fuel receipts with amount of diesel and fuel grade or sulfur content for each delivery to the facility by unit and copies of the semi-annual sulfur content provided by the natural gas supplier.
 - h) Ammonia receipts with the amount and percentage of ammonia in solution for each delivery.
 - i) Daily average of the amount of ammonia in gallons per hour injected into each selective catalytic reduction unit and the concentration of ammonia in the aqueous solution.
 - j) The following parameters shall be recorded at least once every eight (8) hours of run time for each unit: controller settings, ammonia injection flowrate/injection rate (may include “frequency setting” per O&M manual), ammonia pressure, and catalyst outlet temperature.
 - k) Records documenting each use of the portable NO_x analyzer. These records shall include the date, time, unit tested, and results of the test.
 - l) Records documenting the maintenance and calibration of the NO_x analyzer.

- m) Records of maintenance performed on each engine/generator unit as well as its SCR emission control system.
 - n) Upset condition log for each engine, generator, and selective catalytic reduction unit that includes date, time, duration of upset, cause, and corrective action. This requirement may be met by retaining copies of deviation reports as required under Standard Condition 1.13.1.
 - o) The results of any monitor audits or accuracy checks.
- 3) Reporting shall be conducted in accordance with the following.
- a) Annual summary of air contaminant emissions for all pollutants of concern including TAP's, monthly hours of operation of each generator and SCR unit with annual total, monthly average price of electricity, and monthly gross power generation with annual total. This annual summary may be combined with the annual emission inventory required by Condition 1.13.4 of this AOP since much of the information overlaps.
 - b) Statement signed by responsible official that identifies the units, name plate capacity of each generator served, type of fuel burned, and sulfur content of the fuel, and verifies compliance with 40 CFR 72.7(f) in accordance with 40 CFR 72.7(b)(2).
 - c) Reporting of deviations from permit conditions as required by Condition 1.13.1 of this AOP, and the semi-annual monitoring report as required by Condition 1.13.2 of this AOP.
- 4) The only units approved for operation are those listed below:

Unit ID No.	Model #	Serial Number
1	S16-PTA	11125
2	S16-PTA	11123
3	S16-PTA	11122
4	S16-PTA	11117
5	S16-PTA	11116
6	S16-PTA	11118
7	S16-PTA	11121
8	S16-PTA	11127
9	S16-PTA	11115
10	S16-PTA	11126
11	S16-PTA	11171
12	S16-PTA	11172
13	S16-PTA	10369
14	S12R-PTAA2	10896
15	S12R-PTA2	11027
16	S12R-PTA2	11006
17	S12R-PTAA2	11033
18	S12R-PTAA2	10887
19	S16R-PTAA2	11195
20	S16R-PTAA2	11197
21	S16R-PTAA2	11194
22	S16R-PTAA2	11162
23	S16R-PTAA2	11163
24	S16R-PTA	10924
25	S16R-PTAA2	11210
26	S16R-PTAA2	11216

Unit ID No.	Model #	Serial Number
27	S16R-PTAA2	11196
28	S16R-PTAA2	11218
29	S16R-PTAA2	11217

[WAC 173-401-615(1)(b), 630(1), 09/16/02], [Order No. 03AQER-5296 1st Amendment, Issued 09/28/04, Approval Conditions 2.2, 2.3, 2.4, 2.6, 7, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 8.1, 8.2], [40 CFR 72.7(a)(3), (f)(3)(i), 07/01/04], [WAC 173-406-104(4)(b), 11/23/94]

7M. A site-specific O&M manual for the electric generation facility shall be followed. Manufacturers' operating instructions and design specifications for the engines, generators, SCR units, and associated equipment shall be included in the manual. The O&M manual shall be updated to reflect any modifications of the equipment or its operating procedures. Emissions that result from failure to follow the operating procedures contained in the O&M manual or manufacturer's operating instructions may be considered proof that the equipment was not properly installed, operated, and/or maintained. The O&M manual for the electric generation units and associated equipment shall at a minimum include:

- 1) A method to confirm proper operation of the SCR. Details of the required monitoring procedures which satisfy this requirement are described under **6M, section 1) e).**
- 2) Normal operating parameters and design specifications.
- 3) Maintenance schedule and procedures.

[WAC 173-401-630(1), 09/16/02], [Order No. 03AQER-5296 1st Amendment, Issued 09/28/04, Approval Conditions 5, 5.1, 5.2, 5.3]

8M. 40 CFR 68 – Chemical Accident Prevention Provisions, applies to the facility. The following specifically apply with regard to implementation of 40 CFR 68:

1) Offsite Consequence Analysis

- a) Periodic Review and Update Requirement – If changes in processes, quantities stored or handled, or any other aspect of the stationary source might reasonably be expected to increase or decrease the distance to the endpoint (§68.22) by a factor of two or more, a revised analysis shall be completed within six (6) months of the change and a revised RMP submitted. The analysis shall be reviewed and updated at least once every five (5) years.
- b) Recordkeeping – The following minimum records shall be maintained:
 - i) For worst-case scenarios, a description of the vessel or pipeline and substance selected as worst case, assumptions and parameters used, and the rationale for selection; assumptions shall include use of any administrative controls and any passive mitigation that were assumed to limit the quantity that could be released. Documentation shall include the anticipated effect of the controls and mitigation on the release quantity and rate.
 - ii) For alternative release scenarios, a description of the scenarios identified, assumptions and parameters used, and the rationale for the selection of specific scenarios; assumptions shall include use of any administrative controls and any mitigation that were assumed to limit the quantity that could be released. Documentation shall include the effect of the controls and mitigation on the release quantity and rate.
 - iii) Documentation of estimated quantity released, release rate, and duration of release.
 - iv) Methodology used to determine distance to endpoints.
 - v) Data used to estimate population and environmental receptors potentially affected.

- 2) Emergency Response Program – Shall be implemented and include the following:
 - a) An emergency response plan shall be maintained at the facility and shall contain the following minimum elements.
 - i) Procedures for informing the public and local emergency response agencies about accidental releases.
 - ii) Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures.
 - iii) Procedures and measures for emergency response after an accidental release of a regulated substance.
 - b) Procedures for the use of emergency response equipment and for its inspection, testing and maintenance.
 - c) Training for all employees in relevant procedures.
 - d) Procedures to review and update as appropriate, the emergency response plan to reflect changes at the facility and ensure that employees are informed of changes.
- 3) RMP Updates and Modifications
 - a) The permittee shall review and update the RMP as specified below and submit it in the method and format to the central point specified by EPA as of the date of submission. A copy of the RMP shall also be submitted to Ecology.
 - i) At least once every five (5) years from the date of its initial submission or most recent update required as specified below, whichever is later. For purposes of determining the date of initial submission, RMP's submitted before June 21, 1999 are considered to have been submitted on that date.
 - ii) No later than three (3) years after a newly regulated substance is first listed by EPA.
 - iii) No later than the date on which a new regulated substance is first present in an already covered process above a threshold quantity.
 - iv) No later than the date on which a regulated substance is first present above a threshold quantity in a new process.
 - v) Within six (6) months of a change that requires a revised Pollutant Hazard Assessment (PHA) or hazard review.
 - vi) Within six (6) months of a change that requires a revised offsite consequence analysis.
 - vii) Within six (6) months of a change that alters the Program level that applied to any covered process.
 - b) The RMP shall be corrected as follows:
 - i) New accident history information – For any accidental release meeting the five-year accident history reporting criteria of 40 CFR 68.42 and occurring after April 9, 2004, the permittee shall submit the data required under 40 CFR 68.168, §68.170(j), and §68.175(1) with respect to that accident within six months of the release or by the time the RMP is updated as required under **8M 3) a)** above, whichever is earlier.
 - ii) Emergency contact information – Beginning June 21, 2004, within one month of any change in the emergency contact information required under 40 CFR 68.160(b)(6), the permittee shall submit a correction of that information.

- c) Following any modification to an RMP that requires re-submittal, the revised registration portion of the RMP shall include the type and reason for any changes being made to a previously submitted RMP; the types of changes to RMP's are categorized as follows:
 - i) Updates and re-submissions required under **8M 3) a)** of this AOP.
 - ii) Corrections under **8M 3) b)** of this AOP or for purposes of correcting minor clerical errors, updating administrative information, providing missing data elements or reflecting facility ownership changes, and which do not require an update and re-submission as specified under **8M 3) a)** of this AOP.
 - iii) De-registrations required under **8M 3) d)** of this AOP.
 - iv) Withdrawals of an RMP for any facility that was erroneously considered subject to 40 CFR 68.
- d) If the facility is not longer subject to this part, the owner or operator shall submit a de-registration to Ecology and EPA within six (6) months indicating that the facility is no longer covered.
- 4) Recordkeeping – All records supporting the implementation of 40 CFR 68 shall be maintained for a minimum of five (5) years.
- 5) Availability to the Public – Records of any public requests for the RMP shall be maintained.
[40 CFR 68, §36(a), (b), §39(a), (b), (c), (d), (e), §95(a), (b), (c), §150(d), §160(b)(20), §190(a), (b), (c), §195(a), (b), §196(b)(6), §200, §210, 07/01/04]

4. Inapplicable Requirements

Ecology has determined that the facility, including all emission units, is not subject to the following requirements at the time of permit issuance as described under the column titled "Explanation". Some of the requirements listed below may become applicable during the permit term due to an invoking event, even though the requirement is deemed inapplicable at the time of permit issuance. Such requirements shall therefore be met on a timely basis by the permittee through submittal of a compliance schedule, per WAC 173-401-510(2)(h)(iii)(B).

Inapplicable Requirement	Requirement Description	Explanation
40 CFR 52.21 WAC 173-400-141	Prevention of Significant Deterioration (PSD) of Air Quality	The permittee is not currently subject to the requirements of PSD due to the operational limitations imposed by Ecology Order No. 03AQER-5296 and included in this AOP, which limit emissions of each pollutant to less than 250 tons/year.
40 CFR 60	Standards of Performance for New Stationary Sources	At the time of issuance of this AOP, the permittee does not operate any emissions units to which requirements from 40 CFR 60 apply. However, if a 20,000 gallon (75.7 m ³) fuel tank is installed, additional requirements may become applicable.
40 CFR 64	Compliance Assurance Monitoring	Per 40 CFR 64.2(a)(3), §64.1, and §70.2, the permittee has established that the potential pre-control device emissions of each regulated air pollutant from each emission unit at the facility do not exceed 100% of the amount, in tons per year, required for the unit to be classified as a major source. The operational limitation imposed by Ecology Order No. 03AQER-5296 that each engine shall not operate more than 4,992 hours/year is, among other factors, key to this determination, since operational limitations applying to each individual emission unit are taken into account per the definition of potential to emit in 40 CFR 70.2.